

# **Sacramento Local Child Care and Development Planning Council**

## **By-Laws**

Adopted September 9, 1998  
Amended January 13, 1999  
Amended January 10, 2001  
Amended March 13, 2002  
Amended May 8, 2002  
Amended February 11, 2004  
Amended August 25, 2004  
Amended January 11, 2006  
Amended October 17, 2007  
Amended September 10, 2009  
**Amended January 16, 2014**

### **Article I - Name**

**Section 1** The council shall be designated the **Sacramento County Local Child Care and Development Planning Council**, referred to hereafter as the "council" or the "LPC."

### **Article II - Authority**

#### **Section 1**

- (a) A Local Child Care Planning Council was previously authorized on April 30, 1991 by the Sacramento County Board of Supervisors and on May 20, 1991 by the Sacramento County Board of Education.
- (b) The Sacramento County Child Care and Development Planning Council was authorized on December 2, 1997 by the Sacramento County Board of Education and on December 3, 1997 by the Sacramento County Board of Supervisors.
- (c) This was done in accordance with state law established by AB 1542 that mandated the formation of Local Child Care and Development Planning Councils and their membership requirements and codified in California Education Code Section 8499 – 8499.7.

### **Article III - Purpose**

**Section 1** The purpose of the council is as follows:

- (a) To provide a forum for the planning of child care services that meet the diverse needs of families in Sacramento County;
- (b) To promote public participation in the planning process and provide a forum for community discussion of child care issues;
- (c) To advocate for the needs of the families in Sacramento County with respect to child care;
- (d) To advise the Sacramento County Board of Supervisors and the Sacramento County Board of Education with respect to the child care needs of the families in Sacramento County;

### **Article IV – Goals**

**Section 1** The goals of the council are as follows:

- (a) To provide a non-judgmental forum or arena where representatives from all types of child care services feel comfortable to express and participate in planning of child care services;

- (b) To serve as the clearinghouse for information about child care services, issues and public policy;
- (c) To establish and periodically update local priorities for the maintenance, expansion and improvement of child care services for children and families eligible under State guidelines;
- (d) To prepare a comprehensive, county-wide child care plan in accordance with state guidelines and to update and report annually on the results of this planning process;
- (e) To assess the supply of and demand for child care in Sacramento County, including the need for subsidized care and, to the extent possible, selective types of cares, such as infant-toddler and special needs care.
- (f) To review and evaluate legislation affecting child care, to collect and evaluate data regarding local supply, demand, cost and market rates of child care services, and to consider community concerns and issues that affect local child care services;
- (g) To create linkages with educational institutions, government agencies, business or corporate interests for the purpose of informing and facilitating progress toward achieving the recommendations of the council child care plan.

## **Article V - Structure and Composition of the Council**

### Section 1

- (a) As defined in the California Education Code Section 8499 – 8499.7, the County Board of Supervisors and the County Board of Education shall each appoint 10 members as defined below.
- (b) In making appointments the appointing Board shall select persons from varying backgrounds who have demonstrated abilities, expertise and experience with child care.

### Section 2 The council shall be comprised as follows:

- (a) **Child Care Providers:** (i) 4 members shall be child care providers reflective of the range of child care providers in Sacramento County. (ii) The Board of Supervisors shall be responsible for 2 appointments. (iii) The Board of Education shall be responsible for 2 appointments.
- (b) **Consumers of Child Care:** (i) 4 members shall be consumers. (ii) The Board of Supervisors shall be responsible for 2 appointments. (iii) The Board of Education shall be responsible for 2 appointments.
- (c) **Public Agency Representatives:** (i) 4 members shall represent a city, county, or local educational agency. (ii) The Board of Supervisors shall be responsible for 2 appointments. (iii) The Board of Education shall be responsible for 2 appointments.
- (d) **Community Representatives:** (i) 4 members shall be community representatives, who shall not be child care providers or agencies that contract with the California Department of Education (CDE) to provide child care and development services. (ii) The Board of Supervisors shall be responsible for 2 appointments. (iii) The Board of Education shall be responsible for 2 appointments.
- (e) **Discretionary members:** (i) 4 members shall be appointed at the discretion of the appointing Boards. (ii) The Board of Supervisors shall be responsible for 2 appointments. (iii) The Board of Education shall be responsible for 2 appointments.

## **Article VI - Terms of Membership**

Section 1 The terms of each member are for a two-year appointment from July 1 to June 30 of the following fiscal year.

Section 2 The status of the membership shall be reviewed by the Executive Committee when a member:

- (a) resigns;
- (b) attends fewer than 75% of council meetings held in a year;
- (c) attends fewer than 75% of committee meetings of which they are a member;
- (d) no longer resides or is no longer employed in Sacramento County;
- (e) dies.

Section 3 Where a member, prior to the expiration of his/her term, resigns or ceases to be eligible for council membership:

- (a) The appropriate board will be notified and will appoint the vacancy.
- (b) The term for the incoming member will be to fill the vacancy for the remainder of the original term.
- (c) To remain eligible for membership the appointee must reside or be employed in Sacramento County, remain eligible under the category of appointment and meet the attendance requirements as set forth in Article XIII of these bylaws.

## **Article VII - Officers**

Section 1

- (a) Officers elected by the council shall be Chair and Vice-Chair.
- (b) Election of officers shall take place at the first meeting after the start of the new appointment term.
- (c) Officers are elected to serve a two-year term.

Section 2

- (a) If the chair resigns from the council mid-term, the vice-chair will assume the position of the chair until the term is completed.
- (b) The new chair will then appoint one of the committee chairs to assume the position of the vice-chair until the term is completed.
- (c) If the vice-chair resigns from the council mid-term, the chair will appoint one of the committee chairs to assume the vice-chair position until the term is completed.

## **Article VIII - Duties of Officers**

Section 1 The chair shall:

- (a) Call and preside over all meetings of the council;
- (b) Plan the agenda in cooperation with the staff of the council;
- (c) Appoint committees and committee chairs as necessary;
- (d) Represent the council or designate a representative at public functions;
- (e) Take an annual report of activities of the council to the Board of Supervisors and the Board of Education.

Section 2 The vice-chair shall:

- (a) Assume the responsibilities of the chair in the absence of the chair; and

(b) Render assistance to the chair as requested.

## **Article IX – Conflict of Interest**

**Section 1** *A council member is deemed to have a conflict of interest when he/she or a relative or a close business associate has a financial relationship with a program with a California Department of Education, Child Development Division contract to provide direct child care and development or preschool services, or with a program under consideration for such a contract.*

### Section 2

- (a) Members shall disclose to the full council any personal, professional and agency ties which pose a conflict of interest and thereafter, annually.
- (b) Members having a conflict of interest that occurs or is discovered subsequent to submission of any disclosure shall amend their disclosure to the full council.

Section 3 Members having a conflict of interest on a specific issue before the council shall disclose the conflict before discussion of the issue in question, shall not participate in the discussion of that issue or agenda item, shall abstain from voting on said issue, and shall physically remove themselves from the room while the discussion and vote occurs.

Section 4 Minutes of the council meetings shall include any disclosure of a conflict of interest and abstentions from voting due to a conflict of interest on any specific issue.

Section 5 Any member having a conflict of interest relating to any funding or grant resources which are administered, managed, reviewed, the subject of recommendation by, or otherwise within the purview of council business, may not serve on a committee ministering to such financial resources or participate in any council committee discussion of such funding or grant resources, proposals or recommendations.

Section 6 Members shall file a Statement of Economic Interests (Form 700) recording any economic interests or conflicts from the previous calendar year:

- (a) upon appointment to the council,
- (b) annually on or before April 1, and
- (c) within 30 days of leaving the office as mandated by the Fair Political Practices Commission.

Section 7 Council staff will retain copies and submit originals to the County Clerk /Recorder's Office.

Section 8 Persons who resign within 30 days of initial appointment or who never attend a meeting as an appointed council member are not deemed to have assumed the appointment provided they did not make or participate in the making of, or use their position to influence any decision and did not have the forum for a conflict of interest to arise. Such persons shall not file either an assuming or leaving office statement.

## **Article X - Committees, Procedures and Membership**

### Section 1

- (a) The council shall establish committees on either a permanent or temporary basis, to address child care issues and concerns.

- (b) Committees may also include persons not on the council.
- (c) A chairperson shall be appointed by the council chair from the membership of the council.
- (d) Chairpersons of each committee shall be selected each year at the annual meeting.
- (e) Council members shall actively serve on at least one committee.
- (f) Active committees will meet a minimum of once per quarter.

#### Section 2

- (a) The Executive Committee shall be comprised of the chair, vice chair, chair of each active committee, and the chair emeritus (which shall be defined as the seated council member to have served as chair most recently).
- (b) The committee is empowered to act on time-sensitive issues when no council meeting is scheduled within the time frame necessary for action if actions are consistent with LPC bylaws and the recommendations approved in the LPC Child Care Five Year Plan, and/or the LPC mandates.

#### Section 3

- (a) Quality/CARES committee is the advisory body overseeing the Sacramento CARES Program, policies and appeals.
- (b) All Quality/CARES Committee decisions on CARES applicant appeals are final and do not need full council approval.

#### Section 4

- (a) Data and Needs Assessment committee shall annually develop County Zip Code Priorities for submission to CDE for new funding for each center-based and state preschool contracts.
- (b) The committee shall recommend priorities based on available data and CDE-outlined methodology to the council for approval prior to the annual May 30 deadline.
- (c) The committee shall complete a needs assessment at least once every five years in accordance with the Education Code governing LPCs.

Section 5 Public Relations and Outreach Committee shall be responsible for ensuring the LPC meets its contractual obligations to make the Voluntary Temporary Transfer of Funds (VTT) process available and accessible to all of Sacramento County's direct-service CDE contractors every October and April.

#### Section 6

- (a) The Child Care Plan Committee shall be considered ad hoc and shall meet as needed to produce a Child Care Plan at least once every five years.
- (b) The committee may chose to update the existing plan annually or as needed.
- (c) The Five Year Plan will be heard publicly in at least one forum with the opportunity for community input.
- (d) The Plan will be approved by the full council for submission to each of the governing boards.
- (e) Each board or its representatives will be given the Plan and offered a presentation on it, and will be asked to approve it for submission to CDD.
- (f) Board approval may be sought, but is not required, for any mid-cycle updates to the five year plan.

Section 7 Additional ad hoc committees may be established at the discretion of the council chair.

## **Article XI - Voting Procedures**

### Section 1

- (a) Each council member has one vote.
- (b) Voting procedures are the same for committees and the council and follow the Brown Act.
- (c) A quorum of the council is considered over half of the currently seated council membership.
- (d) A quorum must be present prior to any decisions being made or votes taken. However, once a quorum is established, recusals and abstentions do not negate the existence of a quorum. This is in accordance with the Brown Act and Roberts Rules of Order.
- (e) While community members are welcome and encouraged to participate in committee meetings, a committee quorum will consist of over half of seated council members regularly participating in that committee.

Section 2 Except for elections, voting by a show of hands or raising member name placards is acceptable unless a council member requests a roll call vote be taken.

### Section 3

- (a) A member cannot vote on service priority issues in which the potential exists for her/his agency or organization to directly benefit, in the form of funds received, because of the vote.
- (b) Additionally a member must declare a conflict of interest prior to any discussion of an issue as per Article IX.

Section 4 Records shall be kept of action and votes.

Section 5 Committees may utilize conference calls and web or video conferencing for fuller council and community participation. Committee members participating by phone are considered present.

## **Article XII - Meetings**

### Section 1

- (a) Regular council meetings shall be held at a minimum once per quarter of the fiscal year commencing in July.
- (b) Committees shall meet at least once quarterly.
- (c) Meeting dates shall be set at the annual organizational meeting of each year.
- (d) Notification will be sent via email and posted to the website regarding any changes to standing meeting times or locations with as much notice as possible and not less than 72 hours notice.

### Section 2

- (a) Written notice of the meeting shall be sent via email at least one week prior to the meeting date and posted on the LPC website.
- (b) Meeting agendas will be emailed and posted as early as possible and not less than 72 hours prior to the meeting, as per the Brown Act.

- (c) All meetings shall be open to the public and held in accordance with the Ralph M. Brown Act, Government Code Sec. 54950.
- (d) Meetings will be governed by rules adopted by the council at each annual organizational meeting.

### **Article XIII - Attendance**

#### Section 1

- (a) Members must attend at least 75% of all council meetings.
- (b) Members must also attend 75% of one committee's meetings.
- (c) Attendance is based upon a fiscal year (July 1 – June 30).
- (d) Members will notify the LPC Coordinator in advance of missing a meeting.
- (e) Failure to attend meetings or notify the Council Coordinator of an absence may result in the Executive Committee declaring the position open for appointment.
- (f) The Executive Committee will then notify the appropriate Board of the need to appoint a new member to fill the remaining term of the said member.

### **Article XIV - Mandates, Contractual Obligations and Reporting**

#### Section 1

- (a) The LPC contractor or its subcontractor shall hire and manage a coordinator.
- (b) The council chair or his/her designee shall be included in a hiring panel.

#### Section 2

- (a) The LPC contractor or its subcontractor shall prepare an annual spending plan for presentation to the council at the Annual Meeting.
- (b) The council will review a budget and develop a council work plan each year.
- (c) All reporting will be handled by the coordinator and the LPC contractor or its subcontractor and shared with the council annually or as requested.

### **Article XV - Amendment of By-Laws**

Section 1 These bylaws may be amended or repealed and new bylaws adopted by a two-thirds vote of the members at any regular or special meeting, subject to quorum and subject to the amendment being submitted in writing at the previous regular meeting.